

Attachment C – Notice in Lieu of Summons

Attachment C – Notice in Lieu of Summons

1 **UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,)
4 Plaintiff,) IN EQUITY NO. C-125-RCJ-WGC
5 WALKER RIVER PAIUTE TRIBE,) Subproceeding: C-125-C
6 Plaintiff-Intervenor,) 3:73-CV-00128-RCJ-WGC
7 vs.)
8 WALKER RIVER IRRIGATION DISTRICT,) **NOTICE IN LIEU OF SUMMONS**
9 a corporation, et al.,)
10 Defendants.)
11 MINERAL COUNTY,)
12 Proposed-Plaintiff-Intervenor,)
13 vs.)
14 WALKER RIVER IRRIGATION DISTRICT,)
15 a corporation, et al.,)
16 Proposed Defendants.)

17 TO: _____: (As _____ of
18 _____).

19 To the above named Defendant:

20 You have been named as a Defendant in a civil action. A Notice of Motion and Motion
21 for Intervention, Proposed Petition to Intervene, Amended Complaint in Intervention, and a
22 Motion for Preliminary Injunction by Mineral County, Nevada, claiming a right to a minimum
23 level of water for Walker Lake, which would affect the water rights under the Walker River
24 Decree which you (or the entity on whose behalf you are addressed) possess, have been filed in
25

1 the United States District Court for the District of Nevada, Reno, Nevada, Case No. C-125. This
2 matter has been assigned Subfile No. C-125-C, docket number 3:73-cv-00128-RCJ-WGC.

3 The time for responding to the Notice of Motion and Motion for Intervention will be
4 established by further order of the Court. You are not required to respond to the Motion for
5 Intervention until the Court establishes the time for responding to that motion. You are not
6 required to answer or otherwise respond to the Proposed Petition to Intervene or Amended
7 Complaint in Intervention and Amended Memorandum of Points and Authorities until the Court
8 enters its decision on Mineral County's Motion to Intervene and then only upon a schedule to be
9 established by further order of the Court. Similarly, you are not required to respond to Mineral
10 County's Motion for Preliminary Injunction and Points and Authorities in support thereof until
11 the Court enters its decision on Mineral County's Motion to Intervene and then only upon a
12 schedule to be established by further order of the Court.
13
14

15 You **are required**, within thirty (30) days after service of this Notice in Lieu of
16 Summons upon you, to file with the Court and serve by mail on counsel for Mineral County, the
17 Walker River Irrigation District, United States, Walker River Paiute Tribe, State of Nevada,
18 State of California, and United States Board of Water Commissioners the attached Notice of
19 Appearance and Intent to Participate. If you fail to do so, you shall nevertheless be deemed to
20 have notice of subsequent orders of the Court and subsequent pleadings filed and served in this
21 matter.
22

23 The materials in this package include ten (10) documents that you should review. These
24 documents are listed in Attachment A to this Notice in Lieu of Summons and are explained
25 below. Please note that two of these documents address the sale or other conveyance of your
26
27

1 water rights. Please read these materials carefully, as they are important to your legal rights and
2 legal obligations.

3 This package includes an Order Relating to Completion of Service that requires you to
4 provide certain information to the Court and Mineral County.

5 **The Order Relating to Completion of Service requires you to notify the Court and**
6 **Mineral County within thirty (30) days of being served if you contend that you have been**
7 **included in this litigation in error because at the time you were served, you claimed no**
8 **water right under the Walker River Decree.** If you contend that you have been included in
9 this litigation in error, the Order Relating to Completion of Service also requires you to provide
10 certain information and documents related to the transfer of water rights that would be part of
11 this litigation. If you disclaim any water right in this litigation, you must comply with the Order
12 Relating to Completion of Service and you may use the form entitled DISCLAIMER OF
13 INTEREST IN WATER RIGHTS AND NOTICE OF RELATED INFORMATION AND
14 DOCUMENTATION SUPPORTING DISCLAIMER, which is attached to the Order Relating to
15 Completion of Service and included herein. You should review this Order carefully and retain it
16 and all forms attached to it for your files.

17 The Order Relating to Completion of Service also provides that if, during the course of
18 this litigation, you sell or otherwise convey ownership of all or a portion of any water right under
19 the Walker River Decree, you may use the JOINT MOTION FOR SUBSTITUTION OF
20 PARTIES FOLLOWING TRANSFER OF INTEREST FORM, which is attached to the Order
21 Relating to Completion of Service and included herein, to substitute your successor(s)-in-
22 interest. You should retain this Order and the attached form for use whenever appropriate during
23 the course of this litigation. You may also wish to make additional copies of the form attached
24

1 to the Order for use if you sell or otherwise convey ownership of applicable water rights on more
2 than one occasion during the course of this litigation. Pursuant to the Order Relating to
3 Completion of Service and other orders of the Court, even if a successor-in-interest is not
4 substituted, the successor will nonetheless be bound by the final decision of the Court.

5 The STATEMENT NOTING DEATH form, which is attached to the Order Relating to
6 Completion of Service and included herein, is for use by heirs or successors-in-interest should
7 the named Defendant die during the course of litigation. The contact information for the heir or
8 successor must be included on this form. When a Statement Noting Death is filed with the
9 Court, it must also be served on all parties listed on the form and filed with the Court. After a
10 Statement Noting Death is filed and served, any party to the case may move to substitute the
11 proper successor-in-interest to the deceased Defendant. Pursuant to the Order Relating to
12 Completion of Service and other orders of the Court, if no Statement Noting Death is filed, even
13 if a successor-in-interest is not substituted, the successor will nonetheless be bound by the final
14 decision of the Court.

15 DATED this _____ day of _____, 2012.

16
17
18
19
20 _____
21 Clerk of the Court

22 (Seal)
23
24
25
26
27

**NOTICE IN LIEU OF SUMMONS
ATTACHMENT A**

Enclosed are the following ten (10) documents:

1. **Order Relating to Completion of Service;**
2. **Notice of Appearance and Intent to Participate form:** If you choose to sign this document, you **must** file the original with the District Court and you **must** send a copy of the document to the parties listed on the Notice of Appearance and Intent to Participate Certificate of Service;
3. **Disclaimer of Interest in Water Rights and Notice of Related Information and Documentation Supporting Disclaimer form;**
4. **Joint Motion for Substitution of Parties Following Transfer of Interest and Request for Hearing form;**
5. **Statement Noting Death form;**
6. **Mineral County's Notice of Motion and Motion for Intervention (October 25, 1994);**
7. **Mineral County's Proposed Petition to Intervene, Memorandum of Points and Authorities, and Supporting Affidavits of Kelvin F. Buchanan, Herman F. Staat, Marlene Bunch, and Louis Thompson (October 25, 1994);**
8. **Mineral County's Amended Complaint in Intervention (March 10, 1995);**
9. **Mineral County's Amended Memorandum of Points and Authorities in Support of Mineral County's Amended Complaint in Intervention (March 10, 1995); and**
10. **Mineral County's Motion for Preliminary Injunction and Memorandum of Points and Authorities and supporting affidavits (March 10, 1995).**